

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**JAMES T. BRADLEY and GARRETT LAMBERT,
in their own right and on behalf of others
similarly situated,**

Plaintiffs,

v.

**Civil Action No. 2:18-cv-00007
Judge John T. Copenhaver, Jr.**

**LEGACY LAND MANAGEMENT, INC.,
KENNETH LAMBERT, and SHERRI
LAMBERT, individually,**

Defendants.

**MOTION FOR FEES AND COSTS PURSUANT TO
RULE 54(d)(2) FEDERAL RULES OF CIVIL PROCEDURE**

COMES now Class Counsel, pursuant to Rule 54(d)(2) of the Federal Rules of Civil Procedure, and moves for an award of attorney fees and costs incurred in this matter.

In support thereof, class counsel states as follows:

1. This action was instituted on or about January 3, 2018.
2. The matter was extensively litigated with written discovery, oral depositions, and mediation.
3. The undersigned was appointed Class Counsel on or about October 24, 2019.
4. Plaintiffs' counsel has incurred \$4,221.99 in costs in litigating this matter. A copy of that printout is attached as exhibit A.
5. Class counsel has spent a considerable amount of time litigating this matter. Once costs and time spent as Claim's Administrator is considered, the proposed attorney fee approximate a standard 1/3 contingency fee.

6. The attorney fee request also covers time spent as Claim's Administrator. To control the costs and increase the recovery to the Class Members, a third party claim's administrator was not retained.

7. An award of attorney fees is appropriate as the matter was filed under the West Virginia Wage Payment and Collection Act, W.Va. Code § 21-5-1 et. seq., which allows for the recovery of attorney fees and costs for a party successful in bringing a claim under this section.

8. There has been no request by any party to file a submission in opposition to this request pursuant to Federal Rules of Civil Procedure 54(d)(2)(C), nor have any objections been filed by any Class Member.

In light of the above, class counsel requests that the Court approve an attorney fee and costs award in the amount of \$75,500.00.

PLAINTIFFS,

By Counsel

/s/ Greg A. Hewitt

**Greg A. Hewitt (WVSB 7457)
Anthony M. Salvatore (WVSB 7915)
HEWITT & SALVATORE, PLLC
204 North Court Street
Fayetteville, WV 25840
Phone: 304-574-0272
Fax: 304-574-0273**

And

**Anthony J. Majestro (WVSB 5165)
J.C. Powell (WVSB 2957)
POWELL & MAJESTRO PLLC
405 Capitol Street, Suite P1200
Charleston, WV 25301
Phone: 304-346-2889
Fax: 304-346-2895**

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CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiff, do hereby certify that the foregoing **MOTION FOR FEES AND COSTS PURSUANT TO RULE 54(d)(2) FEDERAL RULES OF CIVIL PROCEDURE** has been filed with the Court on this 30th day of January, 2020, using the CM/ECF system.

/s/ Greg A. Hewitt

Greg A. Hewitt (WVSB 7457)

Counsel for Plaintiff